

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 1:07CR152-P-D

ANTONIO TATE,

DEFENDANT.

ORDER CONTINUING TRIAL

This matter comes before the court upon the defendant's March 26, 2008 *ore tenus* motion to continue trial made during a hearing held this day regarding the defendant's competency to stand trial. After due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for April 21, 2008. Defense counsel requests a continuance to afford more time to participate in plea negotiations with the Government and to prepare for trial. The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from April 21, 2008 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) Defendant's March 26, 2008 *ore tenus* motion to continue trial is **GRANTED**;

(2) Trial of this matter is continued until Monday, May 19, 2008 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;

(3) The delay from April 21, 2008 to May 19, 2008 is excluded from Speedy Trial Act considerations as set out above;

(4) The deadline for filing pretrial motions is April 28, 2008; and

(5) The deadline for submitting a plea agreement is May 5, 2008.

SO ORDERED this the 26th day of March, A.D., 2008.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE